

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA**

IN RE : **Chapter 11**
:
SCUNGIO BORST & ASSOCIATES, :
LLC, :
: **Bankruptcy No. 22-10609-AMC**
DEBTOR :
_____ :

ORDER¹

AND NOW, this 4th day of August 2023, upon consideration of the Stay Violation Motion, the responses thereto, the Declarations, the responses thereto, the supplemental brief filed by the Official Committee of Unsecured Creditors and supplemental declaration filed by Debtor's counsel, and the responses thereto; after notice and multiple hearings; and the Court having determined that recording the Subcontractor Liens violated the automatic stay provided by 11 U.S.C. § 362, it is hereby ORDERED for the reasons stated in the accompanying Opinion that:

1. The Stay Violation Motion is GRANTED.
2. The following Subcontractor Liens are hereby determined to have been filed in violation of the automatic stay and, accordingly, are void *ab initio* and are not enforceable:

	UNPAID SUBCONTRACTOR WITH LIENS	CONSTRUCTION LIEN AMOUNT	DATE OF RECORDATION OF LIEN	INSTRUMENT NUMBER
1	1st Black Hawk, LLC	\$183,324.45	March 17, 2022	2022014247
2	Elite Painting Services, LLC	\$97,700.00	March 21, 2022	2022014650
3	K&D Ungarini Iron Works, LLC (lien filed in the name of this subcontractor's	\$137,030.00	March 28, 2022	2022016136

¹ All terms not otherwise defined in this order have the same meaning as defined in the accompanying Opinion.

	president, Daniel Fedejko)			
4	M&D Door & Hardware	\$43,279.95	April 5, 2022	2022017506
5	Network Flooring & Maintenance, LLC	\$25,929.00	April 22, 2022	2022020913
6	SSC Distributors, Inc.	\$117,765.90	April 5, 2022	2022017591

3. The Subcontractor Liens that are claimed with respect to the Segregated Funds are hereby released, discharged, and satisfied.
4. The Segregated Funds are therefore free and clear of the Subcontractor Liens.
5. Compensatory damages in the amount of \$14,488.86 are hereby awarded in favor of the Debtor, jointly and severally, against 1st Black Hawk, LLC; Elite Painting Services, LLC; K&D Ungarini Iron Works, LLC; M&D Door & Hardware; and Network Flooring & Maintenance, LLC pursuant to 11 U.S.C. § 362(k).
6. Compensatory damages in the amount of \$12,112.00 are hereby awarded in favor of the Official Committee of Unsecured Creditors, jointly and severally, against 1st Black Hawk, LLC; Elite Painting Services, LLC; K&D Ungarini Iron Works, LLC; M&D Door & Hardware; and Network Flooring & Maintenance, LLC pursuant to 11 U.S.C. § 362(k).
7. This Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this order.



Honorable Ashely M. Chan
United States Bankruptcy Judge